

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN ANTHONY JOHNSON,
a.k.a. JAMES LEE BELLE,

Petitioner,

v.

Case No. 05-80955-11

RAYMOND D. BOOKER,

HONORABLE AVERN COHN

Respondent.

ORDER DENYING
MOTION FOR WAIVER OR SUSPENSION OF FEES AND COSTS
AND
MOTION FOR PERSONAL RECOGNIZANCE BOND PENDING APPEAL

This is a criminal case. Benjamin Anthony Johnson pled guilty to conspiracy to distribute five kilograms or more of cocaine, in violation of 21 U.S.C. § 846 and § 841(a) and conspiracy to launder monetary instruments, in violation of 18 U.S.C. § 1956. On November 21, 2008, Johnson was sentenced to 150 months imprisonment.¹ Johnson filed an appeal which is pending in the Court of Appeals for the Sixth Circuit. See United States v. Johnson, Case No. 08-2529.²

On November 16, 2009, Johnson filed two pro se motions styled “Motion for Waiver or Suspension of Fees and Costs” and “Motion for Personal Recognizance

¹An Amended Judgment entered on December 4, 2008 and a second Amended Judgment entered on October 2, 2009.

²According to the Sixth Circuit docket sheet, Johnson is represented by appointed counsel who filed a brief on his behalf on October 22, 2009.

Bond.”³ Because the case is on appeal, the Court cannot entertain the motions.

Accordingly, the motions are DENIED.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: November 25, 2009

I hereby certify that a copy of the foregoing document was mailed to Benjamin Johnson #459800, 17600 Ryan Road, Detroit, MI 48212-1155 and the attorneys of record on this date, November 25, 2009, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager, (313) 234-5160

³The caption for both motions names Johnson as the Petitioner and Raymond Booker as the Respondent. Booker is the Warden at a state facility where Johnson was serving an unrelated sentence. However, Johnson used his federal court case number. To the extent that Johnson seeks to challenge his state court conviction, he would have to file a separate case.